

MAR 30 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *J. Claff*
DEPUTY CLERK

DEMETRIUS HILL,
Plaintiff,

v.

TERRY O'BRIEN, WARDEN, et al.,
Defendant.

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Civil Action No. 7:08cv00283

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby

ADJUDGED AND ORDERED

that Defendants' Motion for Summary Judgment (Dkt. No. 35) is **GRANTED in PART**, to the extent that the Motion concerns Plaintiff's Eighth Amendment excessive force claim. All other remaining claims are **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies. The Clerk of Court is directed to strike the matter from the court's active docket and to send a copy of this final order and accompanying memorandum opinion to Plaintiff and counsel of record for the Defendants.

ENTER: This 30th day of March, 2009.

James C. Turk
Senior United States District Judge